

March 5, 2021

***Via ECF***

The Hon. Kevin P. Castel  
United States Court – Southern District of New York  
500 Pearl Street – Room 11D  
New York, NY 10007

Re: **Ousmane Bah v. Apple Inc. and Security Industry Specialists**  
**Our Clients: Security Industry Specialists, John Woodruff**  
**Docket No.: 19 cv 3539**  
**LJAA File No.: 0270-1037-NY00**

Your Honor:

This office represents the defendant, Security Industry Specialists (“SIS”) and its named employee-defendant, John Woodruff, in the above-referenced matter.

In accordance with your Honor’s February 9, 2021 Order, the defendants SIS and John Woodruff respectfully renew our previously filed Motion to Dismiss the Second Amended Complaint (ECF Doc.85) pursuant to Rule 12(b)(6), but now directed to the Third Amended Complaint (ECF Doc. 130), which added the names of the NYPD detectives in place of the “John Does”.

The only amendment to our previously submitted Memorandum in Support (ECF Doc. 111) of the motion is at p.5 wherein the last sentence of the first paragraph of the “Facts as Plead” section should now read – The New York City Police Department (“NYPD”) is a public entity conducting law enforcement (§7), Detective John Reinhold is a detective in that department (§5) and Det. Pagan, Det. White, Det. Granata and Det. Patelli are detectives within that department (§6).

Thank you for your consideration.

Respectfully submitted,

*David Metzger*

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cc: all counsel of record via ECF